

FILED

12/05/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 09-0688

ORIGINAL

December 5, 2016

Mr. Ed Smith
Clerk of the Court
Montana State Supreme Court
Helena, MT

Re: ABA Conduct Proposed Rule 8.4 (g)

Dear Mr. Smith,
I want to extend my concern over the rule that I have read below reported last night here in Billings Q2 News

It is as follows:

It is professional misconduct for a lawyer to engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.

Every decent sort is all for not discriminating, even in matters that may be naturally opposing.

The wording above is well-intended but insufficiently constructed. I suggest the court be careful and reconstruct this rule to best address misconduct.

One of the worse things we can do in our great State is to stifle speech. Opposing views naturally involve an atmosphere at times of dissention. Strong feelings in any dispute or argument does not necessitate hate or malice. A free discourse of ideas is an imperative to liberty. Nothing in our system should be introduced to squelch it.

Thank you for your service.

Roger Scheidler
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STATE OF MONTANA